

REMARKS

The Office Action dated March 23, 2004, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

The Applicants wish to thank the Examiner for the interview granted on July 20, 2004. In the interview, claims 1, 4, and 6 and the Bingle et al. (U.S. Patent No. 6,086,131, "Bingle"), Becker et al. (U.S. Patent No. 5,807,954, "Becker") and Aikens (U.S. Patent No. 4,142,227) references were discussed. As a result of the interview, the Examiner acknowledged that the environment in which the handle of the Bingle reference is directed is a dark closed trunk, which is different from a lighted environment recited in claims 1, 4, and 6, in which a body giving off a metallic gloss, would be visible.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bingle in view of Becker. The Office Action acknowledged that Bingle fails to disclose a translucent polycarbonate having a transparent coating thereon, and fails to disclose a transparent coating having a metallic gloss. Becker was cited for teaching a transparent coating having a metallic gloss for use on translucent plastics. Claims 2 and 3 depend from claim 1 and claim 5 depends from claim 4. The Applicants traverse the rejection and respectfully submit that claims 1-5 recite subject matter that is neither disclosed nor suggested by the cited references.

Bingle discloses a safety handle for a trunk of a vehicle. The handle 12 is preferably injection-molded from a resinous polymeric material such as polycarbonate/PBT or polycarbonate/ABS.

Becker discloses that properties of hybrid polymers or ceramers can be tailored to include transparent properties and can be used in automotive applications. See column 36, lines 16-36. Becker also discloses brush coating a mixture comprising polyureasilazane and diepoxide and further comprising ceramic filler onto a Type 304 stainless steel plate. The coated mixture was cured at 150°C for about 2 hours. A “silvery” metallic coating composition exhibiting excellent gloss and abrasion resistance was formed. See Column 64, lines 21-42.

With respect to claims 1 and 4, the Applicants submit that the combination of Bingle and Becker fails to disclose or suggest the claimed features of the invention. Claim 1 recites “a main body made of synthetic resin; and a plating coat formed on the surface of the main body and having a metallic gloss; wherein the main body is molded from a translucent synthetic resin.” Claim 4 recites “a lever main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface . . . whereby in a lighted environment, the translucent plating coat on the surface of the lever main body gives off a metallic gloss.” As acknowledged in the Office Action, Bingle does not disclose a translucent polycarbonate having a transparent coating thereon nor does it disclose the transparent coating having a metallic gloss. As discussed below, Becker fails to cure the deficiencies in Bingle as Becker does not disclose or suggest “a main body made of synthetic resin; and a plating coat formed on the surface of the main body and having a metallic gloss; wherein the main body is molded from a translucent synthetic resin, and a lever main body molded from a translucent synthetic resin”, and “a translucent plating coat formed on the surface . .

whereby in a lighted environment, the translucent plating coat on the surface of the lever main body gives off a metallic gloss”, as recited in claims 1 and 4, respectively.

The Applicants note that the Response to Arguments section of the Office Action stated that Becker teaches coatings in column (34 lines 20-49) that are ideally suited for use on clear or colored translucent bodies, automotive applications and illuminated signs. (Emphasis Added). However, the Applicants submit that column 34 lines 20-49 of Becker disclose, “hybrid polymers or ceramers . . . would be ideally suited for use as for example, clear or colored transparent or translucent bodies”, not for use on translucent bodies. As such, there is no disclosure in Becker that hybrid polymers or ceramers have a translucent plating coat formed thereon. Therefore, the Applicants submit that Becker does not disclose a plating coat formed on the surface of the main body molded from a translucent synthetic resin as recited in claim 1, or a main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface of level main body, as recited in claim 4.

The Office Action further stated, “the teachings disclosed in column 64 lines 21-42 [of Becker], although specifically taught as being applied to a metallic base and not a plastic base are applicable to the handle disclosed in Bingle.” However, the Applicants submit that a metallic base or stainless steel as disclosed in Becker is not comparable to a translucent synthetic resin, as recited in claims 1 and 4. There is no teaching or suggestion that the “silvery” metallic coating formed on the coated stainless steel plate in Becker could be achieved by coating the handle disclosed in Bingle. Accordingly, Becker fails to cure the deficiencies in Bingle with respect to claims 1 and 4. Therefore, Bingle and Becker, either singly or in combination fail to disclose or suggest coating a

translucent body of a synthetic resin as recited in claim 1, or a lever main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface of the lever main body as recited in claim 4.

Also, with respect to claims 1 and 4, the Applicants submit that the combination of Bingle and Becker fails to disclose or suggest other claimed features of the invention. Claims 1 and 4 recite “whereby, in a lighted environment, the plating coat on the surface of the main body gives off a metallic gloss”. The Office Action acknowledged that Bingle fails to disclose or suggest this claimed feature of the invention. The Applicants submit that Bingle does not disclose or suggest how the safety release assembly 10 can operate in a lighted environment, or when the deck lid 16 is open. Namely, in Bingle, it is not necessary to make the safety release assembly 10 constructed so that it is easily recognized visually in a lighted environment, such as when the lid is open because Bingle is directed exclusively to a handle in a closed dark trunk space and to a situation where a person (mainly a small child) is accidentally trapped within the trunk space 18 of a vehicle. The object of Bingle is to help the trapped person easily and swiftly find a safety release assembly 10 in a dark environment. Thus, Bingle lacks a teaching or suggestion that would give one skilled in the art the motivation to consider how to make the system appeal to, and be recognized by, users in a lighted environment. As such, the Applicants submit that the prior art of Bingle does not disclose or suggest its own modification in the manner suggested in the Office Action, and therefore, the desirability of the claimed invention.

Becker also fails to cure the deficiencies in Bingle with respect to claims 1 and 4 as Becker does not disclose or suggest, “whereby in a lighted environment, the plating

coat on the surface of the main body gives off a metallic gloss.” Further, as discussed above, there is no disclosure or suggestion that applying the coating brushed onto the stainless steel plate of Becker as a coating on the safety release assembly in the dark environment of Bingle would allow the safety release assembly in Bingle to give off a metallic gloss as recited in claims 1 and 4.

The Applicants submit that there is no suggestion, teaching or motivation in either Bingle or Becker to have a plated synthetic resin member for a vehicle which has a main body with a plating coat formed on the surface of the main body such that in a lighted environment, the plating coat gives off a metallic gloss, as recited in claims 1 and 4. Such metallic gloss visually appeals to users and enables the users to easily find the member for facilitating its operation in the daytime. Since Bingle is directed exclusively to a handle in a closed dark trunk space, and Becker merely teaches coatings, there is no motivation for combining or modifying Bingle found either explicitly or implicitly in the references themselves, or in the knowledge generally available to one of ordinary skill in the art.

As further evidence of the difference between the present invention and the combination of Bingle and Becker, the Applicants submit that the structure of Bingle would require the safety release assembly 10 to not be visually recognized or noticeable when the lid 16 is opened, since such recognition deteriorates the external appearance of the vehicle. In contrast, the plated synthetic resin member recited in claims 1 and 4 is designed to be visually recognized and noticeable in a lighted environment where the plating coat on the surface of the main body gives off a metallic gloss.

Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikens in view of Bingle. Aikens was cited for disclosing many of the claimed elements of the invention with the exception of an operating knob made from a translucent resin. Bingle was cited for curing this deficiency. Claim 7 depends from claim 6. The Applicants submit that claims 6 and 7 recite subject matter that is neither disclosed nor suggested by the cited references.

Aikens discloses a combination passenger reading light and air ventilator. A socket assembly 50 includes an electrically conductive mounting member 52, which includes a first cylindrical portion 54 adapted to engage the base of an electric light bulb. The bezel element 100 is removably secured to, and mostly within, ball housing 12. The bezel element 100 includes a first portion 102 insertable through a front opening 28 into the inner chamber 30 of ball housing 12. The bezel element first portion 102 is formed of a resilient material such as a synthetic polymeric material.

In addition to the arguments above with respect to claims 1 and 4, the Applicants submit that the combination of Aikens and Bingle fails to disclose or suggest the features of the invention as recited in claim 6. The claim recites, "whereby, in a lighted environment, the translucent plating coat on the surface of the knob main body gives off a metallic gloss". In contrast, neither Aikens nor Bingle disclose or suggest the translucent plating coat or metallic gloss. As such, Aikens and Bingle fail to disclose or suggest at least the feature of, in a lighted environment, the translucent plating coat on the surface of the knob main body gives off a metallic gloss, as recited in claim 6.

Under U.S. patent practice, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure.

The Applicants submit that as neither the combinations of Bingle and Becker, and Aikens and Bingle, disclose or suggest each and every feature of the claimed invention, the Office Action has failed to establish a *prima facie* case of obviousness for purposes of a rejection of claims 1-7 under 35 U.S.C. § 103.

In particular, the Applicants note that there is no disclosure or suggestion of a metallic gloss in either Aikens or Bingle, and the feature is not alleged to be disclosed in these references. Accordingly, the Applicants respectfully request a new non-final Office Action that sets forth how the claims read on the cited references.

Claims 2 and 3 depend from claim 1, claim 5 depends from claim 4, and claim 7 depends from claim 6. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claims 1, 4 and 6. Accordingly, the Applicants respectfully request allowance of claims 1-7 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107348-00209.**

Respectfully submitted,



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Enclosure: Petition for Extension of Time (one month)

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